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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,009	06/08/2001	Gregory J. Swartz	1651-0001	4534
32097	7590	10/17/2005		
LESAVICH HIGH-TECH LAW GROUP, P.C. SUITE 325 39 S. LASALLE STREET CHICAGO, IL 60603			EXAMINER NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/878,009	Applicant(s) SWARTZ ET AL.	
	Examiner Cao (Kevin) Nguyen	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. US Patent No. (5,675,752).

Regarding claim 1, Scott et al. discloses a method of accessing a computer file and application for manipulating the file, creating an icon corresponding to a file including information (..the interactive applications and multimedia environment see col. 8, lines 6-45); the icon substantially depicting at least a portion of the information content from the computer file (templates provide functional for interactive applications; see col. 8, lines 5-67); storing the icon in a memory; displaying the icon; and invoking the file and an application for manipulating the file upon selection of the icon (..GUI for the interactive presentation editor, the icons are used to represent commonly used function; see col. 11, lines 5-51 and figures 18-22).

Regarding claim 2, Scott et al. discloses wherein the step of creating an icon corresponding to a file including information comprises creating an icon substantially depicting a display of the information from the file while the file is being manipulated by an application (..manipulate file between screen editor; see col.20, lines 1-61 and figures 17a-b).

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Regarding claim 3, Scott et al. discloses capturing a graphical representation of the file while an application is manipulating the file (see col. 21, lines 10-52).

Regarding claim 4, Scott et al. discloses capturing a graphical representation is initiated by a user input command while the application manipulating the file is active (see col. 22, lines 5-56).

Regarding claim 5, Scott et al. discloses wherein the user input command is a keyboard (see figures 1-2).

Regarding claims 6 and 7, Scott et al. discloses storing information related to an application for manipulating the file in a memory along with the icon and displaying the icon window on a screen display (see col. 23, lines 5-55).

As claims 8-13 are analyzed as previously discussed with respect too claims 1-7 above.

Regarding claim 14, Scott et al. discloses of storing data related to files and corresponding applications each item the file and applications are opened and closed during session, and wherein the step of invoking the file and an application for manipulating the file and the application based on the stored data related to files and corresponding applications (see col. 24 lines 8-64 and figures 22a-22d).

Regarding claim 15, Scott et al. discloses wherein the data related to files and corresponding applications includes a document path, a document handle, an application path, and an application handle (see col. 27, lines 23-53).

As claims 16-18 are analyzed as previously discussed with respect too claims 1-7 and 14-15 above.

As claim 19 differs from claim 1 in that “providing a user interface for accessing a file based on a corresponding icon and a window on a display screen for displaying the plurality of icons” which read on Scott (see figures 3-14).

As claims 20-26 are analyzed as previously discussed with respect too claims 1-7, 14-15 and 19 above.

As claim 27 differs from claims 1 and 9 in that “using icons to switch between a plurality of files and corresponding applications on a computer having file system and an operating system user interface to the files within the file system, the file separate from the operating system user interface to the files within the file system” which read on Scott (see col. 33, lines 34-67).

As claims 27-38 are analyzed as previously discussed with respect too claims 1-7, 14-15, 19 and 27 above.

As claim 39 differs from claims 1, 9 and 27 in that “storing file to be manipulated by an application as a template file along with an icon corresponding to the file and data related to the application used to manipulating the template file which read on Scott (see col. 32, lines 7-67).

As claims 40-41 are analyzed as previously discussed with respect to claims 1 and 27 above.

Response to Arguments

Applicant's arguments filed on 07/25/05 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

10/13/05